

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ANTHONY BURDEN

*

Petitioner,

*

v.

* CIVIL ACTION NO. 03:05-CV-433-F

DONAL CAMPBELL, *et al.*,

*

Respondents.

*

ORDER

In his response filed July 25, 2005 to the order of this court requiring that he establish cause and prejudice with respect to the claims in his petition considered procedurally defaulted, Petitioner asserts that any default arising from the failure to present his defaulted claims in accordance with the state's procedural rules was due to the ineffective assistance of appellate counsel. (Doc. No. 14.) The court therefore construes Petitioner's response as a motion to amend. Upon consideration of the motion to amend, and for good cause, it is

ORDERED that this motion (Doc. No. 14) be and is hereby GRANTED.

It is further

ORDERED that on or before August 15, 2005 Respondents shall file a supplemental answer addressing Petitioner's claims of ineffective assistance of appellate counsel and his assertion that appellate counsel's ineffectiveness establishes cause for his procedural defaults. Respondents' answer should comport with the directives contained in the court's May 19, 2005 order. (*See* Doc. No. 5.)

Done this 27th day of July, 2005.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE